



SO ORDERED.

SIGNED this 24 day of May, 2013.

James P. Smith

**James P. Smith
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

IN RE:
TAMIKHA MCCLENDON
1954 REDWOOD RD
MILLEDGEVILLE, GA 31061-2043

CHAPTER 13

CASE NO. 09-52821-JPS

ATTORNEY: Jason T. Braswell

ORDER

It appearing to the Court that the Chapter 13 trustee has filed a motion to dismiss the above-referenced case on the grounds of debtor's failure to maintain plan payments; and sent notice of a hearing and the hearing date to all interested parties; and the trustee's motion having come before the Court on May 22, 2013 at 9:30 AM at which time the trustee announced an agreement was reached by the parties; it is hereby

ORDERED that the motion to dismiss filed by the Chapter 13 trustee is denied; and it is further

ORDERED that the debtor shall commence payments of \$43.00 WEEKLY to the trustee's office beginning June 01, 2013, and continuing until completion of the plan; and it is further

ORDERED that, in recognition of the debtor's failure to comply with the payment plan under debtor's Chapter 13 plan, the future performance of the debtor shall strictly comply with the terms of this Order, and should the debtor default in payments to the Trustee's Office as set out herein, upon the trustee forwarding to the debtor and debtor's attorney a written notice of the default, and should the default not be cured within 15 days from the date of the notice, the trustee shall be entitled to submit to this Court an affidavit setting forth

the default of the debtor, notice of the default and failure to cure, and upon receipt of that affidavit, the Court shall thereupon enter an Order dismissing debtor's Chapter 13 case instanter without further notice to the debtor and debtor's attorney and, unless the Court finds cause otherwise, without the intervention of a hearing. Debtor shall not be allowed to take advantage of this advance notice provision following default more than twice and, in the event debtor should default a third time and necessitate the invoking of this default provision, advance notice shall not be required and, upon receipt of an affidavit from the chapter 13 trustee, the Court shall enter an Order dismissing debtor's Chapter 13 case without further hearing or notice.

END OF DOCUMENT

Prepared by:

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